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23 July 1953

OGC Has Reviewed

MEMORANDUM FOR: General Counsel
FROM : Comptroller
SUBJECT : Salary Differential Due Detailed Employees

1. New regulations "Standardized Regulations (Government Civilians, Foreign Areas)" change the method of computation and payment of differential due an employee on temporary assignment or temporary duty away from his Post of Assignment. These regulations promulgated by the Department of State on 6 June 1953 pursuant to authority contained in Section 443 of the Foreign Service Act of 1946, 22 USC 888, and Parts I and IV of Executive Order No. 10,000 of 16 September 1948 provide:

a. Any employee on temporary assignment or temporary duty away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when it shall have been determined by appropriate personnel documentation that the contemplated duration of the temporary assignment or duty is sixty calendar days, or that its actual duration was sixty calendar days or more, shall be entitled to differential at the rate prescribed for the post or area to which assigned.

b. Any employee on temporary assignment or temporary duty away from his permanent station which is classified for differential to a post or area which is not classified, or classified at a lower rate, for a period of more than fourteen consecutive calendar days counted from date of arrival at such post or area, shall be entitled to differential at the rate prescribed for the post or area to which assigned.

2. The requirement for reduction of differential is such that under this Agency's centralized payroll procedures it appears patently impossible to prevent innumerable overpayments of salary differential if the Standardized Regulations are applied as written.

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Such literal application would involve the payroll operation in an endless series of differential adjustments where sufficient information could be obtained. Otherwise, overpayments would go undiscovered.

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3. In view thereof it has been concluded that the only feasible method of maintaining a reasonably accurate control over salary differential payments would be to deviate from the new regulations to the extent that at least sixty days of temporary duty or assignment at a higher or lower classified post would be required before increases or reductions would be considered.

4. Accordingly, your opinion is requested as to whether authority exists for this Agency to adopt the course of action set forth in Paragraph 3 above, or whether the new regulations must be strictly adhered to.

F. R. SAUNDERS
Comptroller